IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.173 OF 2007

IN

SUMMARY SUIT NO.3496 OF 2002

Jyotindra V. Shah .. Plaintiff.

Versus

Shailesh M.Shah, Proprietor
of Shailesh Steel Corporation .. Defendant.

Ms.Neeta Solanki i/b.Kiran Jain & Co. for plaintiff.
Mr.K.M.Sangani for defendant.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 6th AUGUST, 2007.

P.C.:

. In the light of the averments in the plaint and affidavits in reply with regard to even execution of the Agreement (Exhibit-A), the dispute regarding privity of contract, the suit cannot be held to be maintainable as a summary suit.

. Several triable issues arise on account of the

assertions in the plaint and their denials. The matter has progressed till the sur-rejoinder. The plaintiff will have to prove his claim in the suit by oral and documentary evidence. In my view, this is a fit case to grant unconditional leave to defend the suit. The suit is transferred to the list of commercial causes with usual directions for filing of written statement and inspection. Summons for judgement disposed of accordingly.

(S.C.Dharmadhikari, J.)